

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

COREY HARRIS,)	
Plaintiff,)	
)	C.A. No. 23-303 Erie
)	
v.)	District Judge Susan Paradise Baxter
)	Chief Magistrate Judge Richard Lanzillo
JULIA ANN WILLIAMS, et al.,)	
Defendants.)	

MEMORANDUM ORDER

Plaintiff Corey Harris, an inmate incarcerated at the Erie County Prison in Erie, Pennsylvania, initiated this action on October 30, 2023, by filing a motion to proceed *in forma pauperis* (“ifp motion”) [ECF No. 1], along with an attached *pro se* civil rights complaint [ECF No. 1-1]. This matter was referred to Chief United States Magistrate Judge Richard A. Lanzillo for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. §636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

On January 23, 2024, the Court dismissed Plaintiff’s original ifp motion without prejudice and administratively closed the case because Plaintiff had yet to submit the certified institutional account statement required by 28 U.S.C. § 1915(a)(2). [ECF No. 7]. On March 5, 2024, Harris filed another IFP motion, along with a declaration [ECF No. 10], which was ultimately granted by Order dated March 19, 2024 [ECF No. 14], at which time the complaint was docketed. [ECF No. 15].

Named as Defendants are Erie County Court of Common Pleas Judge Marshall J. Piccinini (“Judge Piccinini”) and Judge John J. Trucilla (“Judge Trucilla”), the City of Erie

Police Department (“EPD”), the Erie County Sheriff’s Office (“Erie County Sheriff”), the “Deep State Court of Common Pleas” (“Deep State”), Plaintiff’s wife Julia Ann Williams (“Williams”), Williams’ sister Denise Whitaker (“Whitaker”), and Constance Ratcliffe (“Ratcliffe”). The Complaint asserts violations of Plaintiff’s rights under the first, fourth, fifth, and fourteenth amendments to the United States Constitution, Section 7 of the National Labor Relations Act (“NLRA”), 29 U.S.C. § 141, et seq., and state contract law.

Plaintiff subsequently filed six motions that are also pending before the Court: a motion for service of process Rule 4(C)(2)(i) [ECF No. 20]; a motion for relief from unlawful custody [ECF No. 25]; a motion for writ of mandamus [ECF No. 27]; a motion for preliminary injunction [ECF No. 28]; a motion to report a deliberate indifferent threat and report intimidation [ECF No. 29]; and a motion for preliminary relief [ECF No. 30].

On May 31, 2024, Chief Magistrate Judge Lanzillo issued a report and recommendation (“R&R”) recommending that this action be dismissed as legally frivolous and/or for failure to state a claim upon which relief may be granted, in accordance with 28 U.S.C. § 1915(e). [ECF No. 31]. In particular, Judge Lanzillo found that (i) Defendants Deep State (construed as the Erie County Court of Common Pleas), EPD, and Erie County Sheriff are not capable of being sued under 42 U.S.C. § 1983 (“Section 1983”); (ii) Defendants Williams, Whitaker, and Radcliffe are not state actors subject to suit under Section 1983; (iii) Defendants Judge Piccinini and Judge Trucilla are entitled to absolute judicial immunity; (iv) Plaintiff has failed to state a viable constitutional claim; (v) Plaintiff has failed to state a cognizable claim under section 7 of the NLRA; and (v) Plaintiff has failed to establish any of the elements required for a viable breach of contract claim. In addition, Judge Lanzillo recommends dismissal of Plaintiff’s motions at ECF

Nos. 20, 25, 27, 28, 29, and 30 as legally frivolous. No timely objections to the R&R have been filed by Plaintiff.

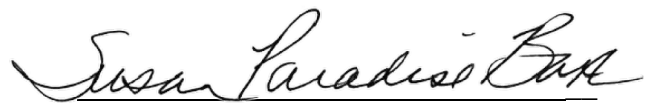
After *de novo* review of the complaint and documents in this case, together with the report and recommendation, the following order is entered:

AND NOW, this 24th day of June, 2024;

IT IS HEREBY ORDERED that the report and recommendation of Chief Magistrate Judge Lanzillo, issued May 31, 2024 [ECF No. 31], is adopted as the opinion of the Court, and this action is DISMISSED as frivolous, pursuant to 28 U.S.C. § 1915(e), based on Plaintiff's failure to state a claim upon which relief may be granted. Since the defects identified by the Chief Magistrate Judge are unable to be corrected by amendment, such dismissal is with prejudice.

IT IS FURTHER ORDERED that Plaintiff's motions at ECF Nos. 20, 25, 27, 28, 29, and 30, are DISMISSED as legally frivolous.

The Clerk is directed to mark this case "CLOSED."


SUSAN PARADISE BAXTER
United States District Judge

cc: The Honorable Richard A. Lanzillo
Chief U.S. Magistrate Judge

all parties of record